JIM CROW CARS-1938

ALABAMA

TRIAL OF JIM CROW CASES IS POSTPONED

"Disorderly conduct" trials of two Negroes arrested for violation of Jim Crow law were passed until next Friday by Police Judge Henry Martin yesterday when only two of six city witnesses appeared. The Negroes, Edward Steele and Wilmer Stitt, were arrested on the complaint of an Acipco bus driver who said they refused to move from the white section.

Jim Crow Cars - 1938

Alabama

Women's Opinions

BY LISA SANDS

What's the matter with the bus drivers and their inspectors now? What has the poor tired Negro woman who can only afford bus transportation done to deserve the unjust abuse the employee's of the Birmingham Electric Co. are hurling at them? On January 17, 1938, one of our own Negro women boarded a mountain terrace bus, tired from a hard days' work, from standing on her feet twelve and fourteen hours a day. The bus being full to over-flowing capacity with other tired workers, attempted to sit in one of the seats that's supposed to be reserved for white's only and was cursed to the vilest names, so vile until it's unprintable and ordered to get her (G-d-mn) black so-an-so back in the rear where she belonged.

Although if the whites are too crowded, and some of the Negro compartment is unoccupied, they will march right back in rear and help themselves to our seats. What's the difference in five or six white's sitting in-rear with three or four Negroe's, and one tired black woman sitting in a seat across the isle from one White person? Are these employee's carrying out these adversities on the command of their employer? or are they taking this rotten way on themselves to spread more hatred into the Negro? Owners of the B. E. Transportation Co., do you want blood-shed on your busses? Do you think the Negro woman won't fight back? "We will not" have white men curse us. Were it not for the Negro riding your busses in some sections, I doubt as to whether or not that there would be any need for more than one or two busses needed for the transportating of whites. Any way you take it, the employees of the B. E. Co. in doing everything possible to incite Race Rioting. You decent white people of Alabama, do you want this to happen? This is not 1860, this is 1938, a new day and a new Negro. We are not going to pay our hard-earned money, what little it is, for anything just to have trouble with what we're paying for. And why not put a stop to trouble before it begins? Give us black bus drivers, and busses that carry Black Passengers Only. Our backs are against the wall. "We Can't Keep Backing Up."

Negro people of Birmingham, all letters on this subject will be appreciated. Write to me in care of this paper. Your letters are needer, every one counts, we've got to do something about this thing before it is too late. Write write "Write."

JIM-CROW FLARE-UP TO BE AIRED IN COURT

A Jim Crow flare-up, which witnesses said was caused by refusal of two Negroes to move from the white section of a bus, was to be aired in Police Court this afternoon.

A muttering crowd gathered around the Acipco bus, which had stopped on 20th-st. n. near Third-av yesterday afternoon when the driver, [illegible] Springfield, complained that the Negroes would not go to the back. Arrested on "disorderly conduct" charges the Negroes identified themselves as Edward Steele 23, of 2405 28th-st. n. and Wilmer Stitt, 24, of 2420 18th-st. n.

Jim Crow Cars—1938

Arkansas.

MITCHELL LOSES FIRST SKIRMISH IN RAILROAD SUIT

Call 5-13-38 Kansas City, Mo.

Interstate Commerce Official States Jim-Crow Cars Meet Requirements of the Law

By ALBERT G. BARNETT

ARTHUR W. MITCHELL

CHICAGO.— (ANP) — Arthur W. Mitchell, representative in congress from Chicago's first district, lost the preliminary skirmish in his battle against the Jim Crow railroad cars of the South here last Thursday, when William A. Disque, Interstate Commerce Commission examiner, ruled that the "present Negro (Jim Crow) coach meets requirements of the law."

On April 20, 1937, enroute Chicago to Hot Springs, Ark., Cong Mitchell was denied Pullman accommodations (which his first-class ticket called for).

As a result of the humiliating incident, Mitchell, through his counsel, Atty. Richard E. Westbrooks of Chicago, filed suit in circuit court here against the Pullman company, the Rock Island Railway, and the Illinois Central. The suit has jurisdiction in Illinois because all the companies involved have general offices in Chicago.

Supplementing the Illinois suit the Congressman and Atty. Westbrooks took the case to the Interstate Commerce Commission, filing affidavits detailing the discrimination involved and basing the complaint on the railroad's refusal to give Mitchell the first-class accommodation his ticket called for. Mitchell retained the stub of his first-class ticket which Atty. Westbrooks considers one of the main exhibits in the case.

The Examiner's Decision

Examiner Disque, after handing down his ruling at Chicago's Morrison hotel, recommended that Mitchell's complaint be dismissed. Disque's ruling was "As there is comparatively little Negro traffic and not likely to be such demand for Pullman, dining and observation-parlor car accommodations for Negro passengers as to warrant the running of any extra cars, the discrimination and prejudice is plainly not unjust and undue."

Interviewed in Chicago, shortly after the examiner handed down his decision, Atty. Westbrooks told this writer he was not discouraged by the recommendation, as it was far from being final, was in reality only one man's opinion and that the entire matter would be thrashed out before the Interstate Commerce body in Washington. The next move, he said, was to file exceptions to the examiner's ruling (within 20 days), and then argue the case orally before the Interstate Commerce body. He said he would file his exceptions as soon as he receives a copy of the order based on the examiner's ruling.

May Reverse Ruling

Atty. Westbrooks said, "When we appear before the Interstate Commerce Commission and present our oral arguments the case will be discussed in its entirety, we are battling a nefarious system. One that forces Negroes to pay first-class fare and accept second-class service and accommodations. We have a clean-cut case. Even the train officials, including the conductor, admit the accommodations for white and colored, on Congressman Mitchell's train were not equal, and that there were no first-class accommodations for Negroes. All this we will present to the Commission, and if, after all the evidence has been heard, the Interstate Commerce body finds no justification for the examiner's recommendation, it will disallow it."

Counsel for Mitchell to Hit Ruling

Journal & Guide 5-14-38

CHICAGO, Ill. —(ANP)— Discounting Examiner Disque, recommendations as being the opinion of only one man, Attorney Richard E. Westbrooks, representing Mr. Mitchell, told newspapermen last week that he was not discouraged.

Norfolk, Va.

The entire matter will be threshed out before the Interstate Commerce Commission in Washington, he said, revealing that the next move would be to file exceptions to the examiner's ruling (within 20 days), and then argue the case orally before the Interstate Commerce Body.

He said he would file his exceptions as soon as he receives a copy of the order based on the examiner's ruling.

Atty. Westbrooks said: "When we appear before the Interstate Commerce Commission and present our oral arguments, the case will be discussed in its entirety, we are battling a nefarious system. One that forces Negroes to pay first-class fare and accept second-class service and accommodations. We have a clean-cut case.

"Even the train officials, including the conductor, admit the accommodations for white and colored, on Congressman Mitchell's train were not equal, and that there were no first-class accommodations for Negroes. All this we will present to the Commission, and if, after all the evidence has been heard, the Interstate Commerce body finds no justification fir the examiner's recommendation, it will disallow it."

Official Disregard of Law

Call 5-14-38

The judgment of the interstate commerce commission's examiner in the case wherein Congressman Arthur W. Mitchell is attempting to compel southern railways to provide equal accommodations for Negroes is in keeping with American custom. He cannot see where enough Negroes want to ride in sleeping cars to justify the extra expense which the roads would have to bear if they provided that service.

To this man who acts for the commission, it is of no moment that the law is not carried out. It is sufficient for him that it will be inconvenient to give Negroes equal treatment. To that low standard America has fallen!

Once upon a time an American thundered, "Give me liberty or give me death." In his day men put principle first. Because they did, the nation was begotten in strength. Today a government agency flippantly disposes of principle by saying it will cost too much.

Negroes who use the common carriers do so for exactly the same reasons as other travelers. They pay as much, and want as much. The general principle that the whole weight of government should be used to uphold the rights of a single citizen was not originated to serve them. It came into being with the Constitution, and is a part of it.

Therefore when the interstate commerce commission arbitrarily establishes cost as the criterion by which service is to be given or withheld, it disregards the nation's life principle. There have been cases where a backwoods coroner's jury has sought to make fun out of a lynching and has brought in a verdict palpably contrary to the facts. Here is a case where one of the highest government agencies, one which has supervision of a major industry, gives public utterance to a perversion of the truth to save itself from doing its sworn duty.

If only one Negro wanted sleeping car accommodations, he should have it, where the train provides that service for others. It is enough that the law calls for that equality. Government officials, which the commissioners are, should be the last to evade the law, and certainly should not make false allegations to justify their delinquency.

Important to the Negro traveling public as are the accommodations given, that is the lesser matter to the nation as a whole. The real issue involved is whether America shall live a lie. If only one Negro wanted to sleep while on a train, that issue is to be met, not evaded. It is not to be put aside by an untruth, even out of the mouth of the distinguished interstate commerce commission. If law is to be observed in this country, its administrators must be the last to set it aside arbitrarily. Disregard of law that takes the form of crime by individuals is a far less menace to the nation than foresworn officials.

Jim Crow Cars—1938

Arkansas.

MITCHELL LOSES FIRST SKIRMISH IN RAILROAD SUIT

Interstate Commerce Official States Jim-Crow Cars Meet Requirements of the Law

By ALBERT G. BARNETT

ARTHUR W. MITCHELL

CHICAGO.— (ANP) — Arthur W. Mitchell, representative in congress from Chicago's first district, lost the preliminary skirmish in his battle against the Jim Crow railroad cars of the South here last Thursday, when William A. Disque, Interstate Commerce Commission examiner, ruled that the "present Negro (Jim Crow) coach meets requirements of the law."

On April 20, 1937, enroute Chicago to Hot Springs, Ark., Cong Mitchell was denied Pullman accommodations (which his first-class ticket called for).

As a result of the humiliating incident, Mitchell, through his counsel, Atty. Richard E. Westbrooks of Chicago, filed suit in circuit court here against the Pullman company the Rock Island Railway, and the Illinois Central. The suit has jurisdiction in Illinois because all the companies involved have general offices in Chicago.

Supplementing the Illinois suit the Congressman and Atty. Westbrooks took the case to the Interstate Commerce Commission, filing affidavits detailing the discrimination involved and basing the complaint on the railroad's refusal to give Mitchell the first-class accommodation his ticket called for. Mitchell retained the stub of his first-class ticket which Atty. Westbrooks considers one of the main exhibits in the case.

The Examiner's Decision

Examiner Disque, after handing down his ruling at Chicago's Morrison hotel, recommended that Mitchell's complaint be dismissed. Disque's ruling was "As there is comparatively little Negro traffic and not likely to be such demand for Pullman, dining and observation-parlor car accommodations for Negro passengers as to warrant the running of any extra cars, the discrimination and prejudice is plainly not unjust and undue."

Interviewed in Chicago, shortly after the examiner handed down his decision, Atty. Westbrooks told this writer he was not discouraged by the recommendation, as it was far from being final, was in reality only one man's opinion and that the entire matter would be thrashed out before the Interstate Commerce body in Washington. The next move, he said, was to file exceptions to the examiner's ruling (within 20 days), and then argue the case orally before the Interstate Commerce body. He said he would file his exceptions as soon as he receives a copy of the order based on the examiner's ruling.

May Reverse Ruling

Atty. Westbrooks said, "When we appear before the Interstate Commerce Commission and present our oral arguments the case will be discussed in its entirety, we are battling a nefarious system. One that forces Negroes to pay first-class fare and accept second-class service and accommodations. We have a clean-cut case. Even the train officials, including the conductor, admit the accommodations for white and colored, on Congressman Mitchell's train were not equal, and that there were no first-class accommodations for Negroes. All this we will present to the Commission, and if, after all the evidence has been heard, the Interstate Commerce body finds no justification for the examiner's recommendation, it will disallow it."

Counsel for Mitchell to Hit Ruling

CHICAGO, Ill. —(ANP)— Discounting Examiner Disque, recommendations as being the opinion of only one man, Attorney Richard E. Westbrooks, representing Mr. Mitchell, told newspapermen last week that he was not discouraged.

The entire matter will be threshed out before the Interstate Commerce Commission in Washington, he said, revealing that the next move would be to file exceptions to the examiner's ruling (within 20 days), and then argue the case orally before the Interstate Commerce Body.

He said he would file his exceptions as soon as he receives a copy of the order based on the examiner's ruling.

Atty. Westbrooks said: "When we appear before the Interstate Commerce Commission and present our oral arguments, the case will be discussed in its entirety, we are battling a nefarious system. One that forces Negroes to pay first-class fare and accept second-class service and accommodations. We have a clean-cut case.

"Even the train officials, including the conductor, admit the accommodations for white and colored, on Congressman Mitchell's train were not equal, and that there were no first-class accommodations for Negroes. All this we will present to the Commission, and if, after all the evidence has been heard, the Interstate Commerce body finds no justification fir the examiner's recommendation, it will disallow it."

Official Disregard of Law

The judgment of the interstate commerce commission's examiner in the case wherein Congressman Arthur W. Mitchell is attempting to compel southern railways to provide equal accommodations for Negroes is in keeping with American custom. He cannot see where enough Negroes want to ride in sleeping cars to justify the extra expense which the roads would have to bear if they provided that service.

To this man who acts for the commission, it is of no moment that the law is not carried out. It is sufficient for him that it will be inconvenient to give Negroes equal treatment. To that low standard America has fallen!

Once upon a time an American thundered, "Give me liberty or give me death." In his day men put principle first. Because they did, the nation was begotten in strength. Today a government agency flippantly disposes of principle by saying it will cost too much.

Negroes who use the common carriers do so for exactly the same reasons as other travelers. They pay as much, and want as much. The general principle that the whole weight of government should be used to uphold the rights of a single citizen was not originated to serve them. It came into being with the Constitution, and is a part of it.

Therefore when the interstate commerce commission arbitrarily establishes cost as the criterion by which service is to be given or withheld, it disregards the nation's life principle. There have been. cases where a backwoods coroner's jury has sought to make fun out of a lynching and has brought in a verdict palpably contrary to the facts. Here is a case where one of the highest government agencies, one which has supervision of a major industry, gives public utterance to a perversion of the truth to save itself from doing its sworn duty.

If only one Negro wanted sleeping car accommodations, he should have it, where the train provides that service for others. It is enough that the law calls for that equality. Government officials, which the commissioners are, should be the last to evade the law, and certainly should not make false allegations to justify their delinquency.

Important to the Negro traveling public as are the accommodations given, that is the lesser matter to the nation as a whole. The real issue involved is whether America shall live a lie. If only one Negro wanted to sleep while on a train, that issue is to be met, not evaded. It is not to be put aside by an untruth, even out of the mouth of the distinguish-

Jim Crow Coach Is Upheld

Examiner Says Accommodations Were "Legal"

(Special to Journal and Guide)

WASHINGTON, D. C.—Undaunted by the loss of the first round in his skirmish to obtain equal, if separate, railroad accomodations as required by law, Congressman Arthur W. Mitchell announced Monday that he would press his campaign with even greater vigor, carrying the case to the U. S. Supreme Court, if necessary.

The statement followed the ruling of Examiner William A. Disque, who in deciding that present facilities meet legal requirements, last Thursday recommended to the Interstate Commerce Commission the dismissal of the complaint against the Rock Island and Pacific railroad.

MR. MITCHELL

Mr. Mitchell left Chicago for Hot Springs on April 20, 1937, traveling over the Illinois Central Railroad to Memphis and the Rock Island from Memphis to Hot Springs. He had purchased a first-class round trip ticket.

GETS COMPARTMENT

A bedroom was not available, but he was provided with a compartment to Memphis in a sleeper bound for New Orleans. Just before the train reached Memphis, he had a Pullman porter to move his baggage to the Chicago-Hot Springs sleeper on the same train. The porter gave him a seat in the car.

Shortly after leaving Memphis and crossing the Mississippi River into Arkansas, the train conductor took up the Memphis-Hot Springs portion of his ticket, but refused to accept payment of the Pullman seat fare. Under threat of arrest, he compelled Mr. Mitchell to move into the Jim Crow car.

The Pullman car from which he was ejected was of modern design. It was air-conditioned, had hot and cold running water, tables, carpet, mirrors, wash basins with goodly soap, clean linen towels, and separate flushable toilets for men and women.

FORCED INTO OLD CAR

The Jim Crow coach, in which he was forced to ride, was carried next to the baggage car. While it was of standard size and steel construction, it was an old combination affair. It was divided by partitions into three main parts, one for colored smokers, one for white smokers, and one, in the middle, for colored men and women. Mr. Mitchell rode in the middle section.

The Jim Crow car was poorly ventilated and not air conditioned. The upholstery was of leather. There was a toilet in each section, but only the one in the midlde section was equipped for flushing and it was for the exclusive use of women. It was without wash basins, soap, towels or running water, except in the women's section.

According to Mr. Mitchell, it was filthy and foul smelling.

Examiner Disque reported that since the early part of last July, the Rock Island has been running a Jim Crow car between Memphis and Hot Springs that is entirely modern. This modern Jim Crow car is divided into two sections, one for colored and the other for white passengers.

NO DEMAND FOR PULLMAN

"The present colored coach takes care of colored second-class passengers," Mr. Disque reports, but inasmuch as only about one colored person to every 20 white passengers rides the Rock Island between Memphis and Hot Springs and there is hardly a demand from a colored passenger for Pullman accommodations, he believes there is no necessity for first-class accommodations for colored passengers.

Mr. Mitchell urged the Interstate Commerce Commission to order the Rock Island to remove and avoid unjust discrimination and undue prejudice and provide the same equipment and accommodations for colored passengers as for white passengers. He did not protest against segregation under the Arkansas statute.

He contended that collection of the first-class fare, while furnishing him second-class accommodations, was violative of the Interstate Commerce Act and of the Fourteenth Amendment.

ASKS DISMISSAL

The Illinois Central, which was also a defendant, asked that the complaint be dismissed as to it. The examiner reported that there is no showing that colored passengers are treated differently from white passengers on their journeys from Chicago to Memphis and apparently that road is in no way chargeable with discrimination.

The Pullman Company, another defendant, also asked dismissal. It contended that it was not chargeable with discrimination because it provides accommodations in the form of drawing rooms, which if not already occupied or reserved for some one else, are available for colored passengers west of Memphis.

The examiner found that the use of one of the drawing rooms by Mr. Mitchell would have amounted to segregation under the Arkansas law and ordinarily such accommodations are available.

COACH MEETS REQUIREMENTS

Whether the regular Pullman seat fare of 90 cents is applicable for accommodations in a drawing room was not decided by him. He held, however, that there would be no discrimination on the part of the Pullman Company, if the 90-cent seat fare is applicable.

Both drawing rooms on the train on which Mr. Mitchell rode were occupied by white people.

"The present colored coach meets the requirements of the law," Examiner Disque concluded in recommending the dismissal of the complaint. "As there is comparatively little colored traffic and not likely to be such demand for Pullman, dining and observation-parlor car accommodations by colored passengers as to warrant the running of any extra cars, the discrimination and prejudice is plainly not unjust or undue.

"Only differences in treatment that are unjust or undue are unlawful and within the power of this Commission to condemn, remove and prevent.

"The complaint should be dismissed."

Mr. Mitchell has a civil suit for damages pending against the Rock Island, the Illinois Central and the Pullman Company in Cook County, Illinois.

Mitchell Hits Jim-Crowism In ICC Hearing

Daily Worker

Demands Discrimination Be Ended on Southern Railway Systems

WASHINGTON, July 6 (UP).—Rep. Arthur E. Mitchell, Negro Democratic Congressman from Illinois, asked the Interstate Commerce Commision today to end discrimination of Negro pasengers on Southern trains.

Mitchell appeared before the Commission and made a brief statement reviewing an incident on April 20, 1937, when he was denied Pullman facilities on a train from Memphis, Tenn., to Hot Springs, Ark.

As a result of that incident, Mitchell brought action before the ICC seeking an order requiring all roads to provide equal accommodations at uniform rates for both Negro and white passengers.

A commission examiner recommended the case be dismissed.

W. T. Hughes, attorney for the Chicago, Rock Island and Pacific Railroad, told the commission the examiner's recommendation of continued discrimination should be upheld. He contended the road is bound by an Arkansas statute requiring segregation of Negro and white pasengers.

Missouri-Pacific Hires Negro To See To Riders' Comfort

LITTLE ROCK, Oct. 19(ANP)—Blazing a trail for other railroads to follow, the Missouri Pacific lines have hired a Negro passenger representative to look after the comforts and conveniences of colored travellers.

This representative, Bruce Shropshire of Little Rock, travels over the road to see that Negroes receive courteous treatment. If he finds conditions are not what they should be, he reports them to the general passenger office which makes adjustments.

Mr. Shropshire also contacts prospective customers for travel and visits meetings and conventions over Arkansas and Louisiana in the interest of his railroad.

News At A Glance

MISSOURI PACIFIC RAILROAD HAS NEGRO REPRESENTATIVE

LITTLE ROCK, Ark., Oct. 28. (ANP)—Blazing a trail for other railroads to follow, the Missouri Pacific lines have hired a Negro passenger representative to look after the comforts and conveniences of colored travellers.

This representative, Bruce Shropshire of Little Rock, travels over the road to see that Negroes receive courteous treatment. If he finds conditions are not what they should be, he reports them to the general passenger office which makes adjustments. Mr. Shropshire also contacts prospective customers for travel and visits meetings and conventions over Arkansas and Louisiana in the interest of his railroad.

Jim Crow Cars—1938

Arkansas.

MITCHELL'S JIM-CROW CHARGE AGAINST RAILROADS IS URGED

CHICAGO, Mar. 17—(ANP)—With Examiner William A. Disque of the Interstate Commerce Commission conducting the hearing, Congressman Arthur W. Mitchell of Chicago, presented his case last Monday against the Chicago, Rock Island and Pacific Railroad, charging the carrier with having Jim Crowed him during a trip to Hot Springs last year.

Three Rock Island employees were put up[on] stand: Elbert W. Jones of Little Rock, the conductor who forced Mitchell to leave the Pullman in which he had purchased berth; W. S. Scott, brakeman on the road, and A. C. McGowan, mechanical foreman. Mitchell's attorney, Richard E. Westbrooks during his cross examination, forced the witnesses to admit that the facilities provided for white and colored passengers are not equal. Westbrooks also charged that the Arkansas separate car law was in violation of the Fourteenth Amenmdent of the United States Constitution and that the railroad violated the rules of the Interstate Commerce Act by charging greater compensation for the service rendered Mitchell than was charged other passengers for similar service.

Mr. Mitchell testified at length for the record and announced that he had introduced a bill in Congress specifically prohibiting segregation of interstate passengers. The record compiled in the case was taken by Examiner Disque to Washington, where it will be presented to the Interstate Commerce Commission.

Mr. Mitchell has a civil suit for $50,000 on file against the railroad in the Cook County circuit court.

Mitchell Loses Decision In Railroad Case

Arkansas Jim Crowism Upheld By Interstate Commerce Body

WASHINGTON, D. C.—The Interstate Commerce Commission dismissed last Friday a complaint by Congressman Arthur W. Mitchell of Illinois that the Rock Island Railroad required him to leave a Pullman car in Arkansas and travel in a coach inferior to the Pullman.

Congressman Mitchell charged that he was traveling from Chicago to Hot Springs, Ark., on April 20, 1937, and that the conductor on the train required him to change cars when the train entered Arkansas. The railroad declared segregation of races is required by Arkansas law.

Congressman Mitchell contended that the law required "equal but separate accommodations" for both races and that the Negro accommodations were unsatisfactory.

"It is not for us to enforce the State law," the commission's decision read. "We understand that to be a matter for State authorities. But in deciding the case on the facts presented, we must recognize that under the State law defendants must segregate colored passengers."

Richard Westbrooks, Mitchell's attorney, said the case would be carried before the U. S. District court at Chicago (home office of the Rock Island railroad), on a petition for a re-hearing, adjudication this time being in the hands of three U. S. District judges, sitting en banc.

If the petition is denied there and the Interstate Commerce Commission ruling upheld the case can then be carried on appeal direct to the United States Supreme court. Atty. Westbrooks said the case was too far-reaching in its effect and that every legal resource at his command would be utilized to have the ICC ruling set aside and a bulwark set up protecting the constitutional rights of Negroes.

Tampa, Fla. Tribune
November 26, 1938

Negro's Complaint Against Railroad Dismissed by ICC

WASHINGTON, Nov. 25.—(A.P.)—The Interstate Commerce commission dismissed today a complaint by Arthur W. Mitchell, negro congressman from Illinois, that the Rock Island railroad required him to leave a Pullman car in Arkansas and travel in a coach inferior to the Pullman.

Commissioners Eastman, Lee, Miller, Aitchison and Porter dissented.

Mitchell charged that he was traveling from Chicago to Hot Springs, Ark., on April 20, 1937, and that the conductor on the train required him to change cars when the train entered Arkansas. The railroad declared segregation of races is required by Arkansas law.

Mitchell contended the law required "equal but separate accommodations" for both races and that the negro accommodations were unsatisfactory.

"It is not for us to enforce the state law," the commission's decision said. "We understand that to be a matter for state authorities. But in deciding the case on the facts presented we must recognize that under the state law defendants must segregate colored passengers.

"In these circumstances we find that the present colored passenger coach and the Pullman drawing rooms meet the requirements of the act; and that as there is comparatively little colored traffic and no indication that there is likely to be such demand for dining car and observation-parlor car accommodations by colored passengers as to warrant the running of any extra cars or the construction of partitions.

"The discrimination and prejudice is plainly not unjust or undue."

MITCHELL CASE IS MOVING ALONG

Illinois Congressman Asks ICC for Rehearing—Seems Headed for U. S. Supreme Court.

12-24-38

CHICAGO, Dec. 22 — (By ANP)—Suiting the action to the word, Congressman Arthur W. Mitchell of Chicago's first district, this week made another, well-planned move in his Jim Crow suit against the Rock Island railroad, decisions which have twice been adverse to the Illinois man.

The Congressman filed notice with the Interstate Commerce Commission that he will have his attorney, Richard E. Westbrooks of Chicago, file a petition for rehearing and re-argument of the recent report of the commission, which held that the Rock Island did not discriminate unjustly when Rep. Mitchell was compelled to accept second-class accommodations, although he had paid for a first class ticket.

The notice that this petition is being filed before the matter will be taken into the federal courts. Congressman Mitchell has instructed Attorney Westbrooks to fight this case, if necessary, to the United States Supreme Court.

Should the ICC deny the application for a rehearing, next move will be to take the famous case before the U. S. District Court at Chicago (home office of the Rock Island railroad) on a petition for rehearing of the suit. Adjudication in federal district court will be in the hands of three federal district judges, sitting en banc.

Should the district court deny the petition, thereby upholding the Interstate Commerce Commission ruling, Attorney Westbrooks can take the Mitchell case, on direct appeal, to the United States Supreme Court.

JIM CROW CARS - 1938

The Supreme Court Versus Interstate Commerce Commission

By KELLY MILLER

The recent decision of the Supreme Court requires a state to provide equal education facilities for both races or admit Negro students to all levels of state educational institutions, heretofore maintained exclusively for white students.

It is based squarely upon the provision of the Fourteenth Amendment which forbids a state to deny any citizen the equal protection of the law. In its wider implication, it accords the Negro equal facilities in hospitals, playgrounds, parks, and in every type of public institutions where the policy of the state insists upon separation of the races. This decision like a double edged sword cuts both ways.

It upholds distinction but not discrimination on account of race. It violates the dictum of Charles Sumner that equality of rights cannot exist without identity of rights. On the other hand, it sustains the dictum of President Harding, "both races should have the same rights but they need not enjoy these in each others company."

The higher ground of Sumner yields to the lower plain of Harding.

When the Honorable Archibald H. Grimke and myself declined the offer of Senator Joseph B. Foraker to introduce a bill for separate but equal Pullman accommodations for the races, we were actuated by principle rather than practical expediency. We declined the possible in quest of the unattainable.

It may well be that insistence upon abstract principle is no longer feasible in face of the decision of the Supreme Court and the evident cast of public opinion.

Congressman Mitchell has declared his intention of pushing his case to final adjudication of the Supreme Court. That the opinion of the Interstate Commerce Commission will be overruled now seems inevitable. For the judgment of the highest tribunal cuts from this opinion the Doctrine of race discrimination and its justification on account of the expense involved.

It is particularly interesting to note that this decision was delivered through the mouth piece of Chief Justice Hughes and was concurred in by Justice Black of Alabama, and that the two die-hard Anti New Deal Judges McRenolds and Butler, contributed the minority opinion.

By this decision the Negro race has won a practical though not idealistic victory.

Jim Crow Cars - 1938

General

Railroad Accomodations

CONGRESSMAN Mitchell is to be commended for his valiant effort to right a wrong of too long standing—the gross inequality of transportation accommodations for our group. The one-man opinion of an Interstate Commerce Commission examiner, who ruled unfavorably on his complaint, is only a battle lost. The campaign will go on, and to victorious conclusion.

All but a few railroads, notably the Norfolk and Western, make absolutely no attempts to equalize the accommodations for colored passengers. The law permits them to be separate, but holds they must be identical. It is observed chiefly in the breach.

The semi-baggage car day coaches provided non-white passengers are dirty, aged, relatively unsafe, and provided with none of the modern comforts such as air-conditioning. Railroads are having a hard time of it financially, but it is small wonder that colored passengers, at least, are finding other means of traveling than railroads.

It behooves these utilities to move to an improvement of the situation, for their own benefit at least. Technicalities will not for ever provide them legal loopholes

Railroad Accommodations Target at Mitchell Hearing

Urge Equal Facilities For Same Fare

Congressman Testifies Before Commission

WASHINGTON, D. C.—Jim Crow practices of railroads in the South were assailed before Division 4 of the Interstate Commerce Commission when the exceptions of Representative Arthur W Mitchell, of Chicago, to the report of an examiner were argued last week.

Richard E. Westbrook, attorney for Mr. Mitchell, asked the Commission Wednesday, July 6, in behalf of his client to order the Chicago Rock Island & Pacific Railroad to desist furnishing the class of service it was furnishing to colored passengers and provide the equal accommodations required by law.

"It is common knowledge," Mr. Westbrook told the Commission, "that the Rock Island and the railroads operating in the South, where they have not been compelled to furnish equal accommodations, have not done so."

HITS HUGHES ARGUMENT

Mr. Westbrook refuted the argument of Wallace Hughes, counsel for the trustees of the Rock Island, that the refusal to allow Mr. Mitchell to occupy Pullman accommodations between Memphis, Tennessee, and Little Rock, Arkansas, and forcing him to ride in a Jim Crow car was only "one incident to one individual on one day."

He asserted that Mr. Hughes had overlooked the testimony of certain witnesses, some of whom had been traveling in Arkansas for more than 20 years, who testified to the inequalities in accommodations furnished white and colored passengers in that State.

EQUALITY IS QUESTION

Pointing out that Mr. Mitchell was an interstate passenger en route from Chicago to Hot Springs, Mr. Westbrook declared that the sole question was whether an interstate passenger, who paid a first-class fare, was entitled to first-class accommodations, regardless of whether he is white, black, or any other color.

This question, he contended, was "too fundamental to admit of much argument."

Mr. Westbrook pointed out that Mr. Mitchell was furnished Pullman accommodations from Chicago to Memphis, but when the train got beyond Memphis he was told he would have to ride in the Jim Crow car because he is colored.

SEATS EMPTY

If a railroad furnishes first class accommodations, Mr. Westbrook argued, it must furnish them to all persons holding first class tickets. It cannot discriminate, he asserted. He then pointed out that on the train on which Mr. Mitchell was riding there were unoccupied seats in the standard Pullman car and the observation car and that any first class passenger, except a colored man, was permitted to occupy those seats on payment of the additional charge.

Mr. Westbrook cited several decisions to prove that separate coach laws do not apply to interstate passengers. He stated that he had no quarrel at this time with the application of the Arkansas statute to intra-State passengers.

Commissioner Balthasar H. Meyer interrupted his argument to inquire whether "if the Arkansas statute is in fact a police regulation would it not operate on both inter-State and intra-State passengers."

CITES HIGH COURT RULING

"The Supreme Court has said," replied Mr. Westbrook, that nothing can interfere with interstate commerce."

Mr. Westbrook also answered the contention of Mr. Hughes that the railroad does not provide equal facilities with respect to Pullman, dining and buffet cars for colored people in States having separate coach laws because the demand was not sufficient.

He took the position that the constitutional right to equal accommodations under the Fourteenth Amendment does not depend upon the number of persons discriminated against. "The essence of a constitutional right," he said, "is personal. It is a right of every individual when he pays a first class fare to have first class accommodations."

In his argument Mr. Hughes told the Commission that if a colored person were diligent in making a reservation and a drawing room or compartment was not occupied, he would be placed in it. If not, he admitted, he would have to accept other accommodations in keeping with the Arkansas separate coach law.

BARRAGE OF QUESTIONS

This assertion immediately gave rise to a series of question by members of Division 4 as to tariff provisions authorizing such a practice.

"If he has to use a drawing room or compartment, what prices does he pay:" Mr. Hughes was asked.

"For a seat." he replied.

"Is that in compliance with your tariffs?"

He expressed doubt on this point.

"Suppose a white man wanted a seat in a drawing room or a compartment, could he get it at that price?" he was asked.

"He could not," he said.

"Suppose a white man would complain of discrimination on account of that could you justify your action in your tariffs?"

"That is a question," he admitted.

COACH OUT OF SERVICE

Mr. Hughes told the Commission that the Jim Crow coach in which Mr. Mitchell was forced to ride from Memphis to Little Rock was no longer in use. He said a new coach was installed on that train in July, 1937.

He admitted, however, that it is partitioned, one compartment being used by white passengers and the other by colored passengers, but he stated that it is air conditioned, all steel, with separate flushing toilets for men and women in both the white and colored compartments, and wash basins and excellent upholstery. Mr. Mitchell had complained of all these things with respect to the car in which he was forced to ride.

The opening argument was made by Mr. Mitchell himself, who briefly outlined the facts and told of being ejected from the Pullman car and put in a Jim Crow coach.

CRITICIZE REPORT

Mr. Mitchell criticized the report of the examiner by saying that he had substantially found all of the facts as he had related them, but had reached the peculiar conclusion that the case should be dismissed.

A commissioner asked Mr. Mitchell if the difference between the first class rate, which he had paid, and the second class rate had been refunded him.

Expressing pride in the fact that he is a member of Congress and a citizen of the United States, he declared that "I would have never looked this Commission or any other commission in the face if I had accepted a rebate."

Pickens Protests Conditions of R. R. Waiting Rooms

WAYNESBORO, Va., Nov. 3—In a letter sent last week to officials of several railroad companies and to the Interstate Commerce Commission at Washington, William Pickens, director of branches of the NAACP, protested the deplorable conditions he found in southern waiting rooms allotted to Negroes in railroad stations. The letter reads in part:

"This station (the one in Waynesboro) is one sample of the neglect and almost studied discomfort which Negro travelers receive from your railway employes and local supervision. You know that members of all races pay the same fares, but there is hardly light enough to see to write in the Negro waiting room and it would ruin the eyes to try to read. Only one small dirty bulb. This is Monday, early a. m., between 4 and 5:50, and I have just alighted from the C. and O., and am waiting for the N. and W. to Roanoke. If I could only read, perhaps I'd not be writing you. This room is very dirty, and the seats are low-back and uncomfortable.

"By contrast: the 'white' waiting room has four large bright lights burning and there is only one person in it—and he is sprawled out on your bench asleep, and perhaps is not a passenger (as he has no bags) but only a loafer. The seats are high-backed and comfortable-looking."

Mr. Pickens continues: "I have just read on your station walls here: 'A BLUEPRINT FOR BUILDING BETTER TIMES: Give the railroads the square deal to which they are entitled,' etc. Why not turn that injunction around?"

RAILROAD JIM-CROW SUIT THROWN OUT BY ICC; FIVE DISSENT

Mitchell's Attorney Says Fight Will Be Carried to Federal District Court.

B-U-L-L-E-T-I-N-!

CHICAGO, Nov. 30.—Attorney Richard Westbrooks announced Monday that Congressman Arthur Mitchell's railroad fight would be carried to the Federal District Court here and if necessary to the U.S. Supreme Court. He contends jim crow cars are second class accommodations. Westbrooks said the case is too important not to use every legal resource available to have the Interstate Commerce Commission ruling set aside.

WASHINGTON, D. C., Dec. 1—The Interstate Commerce Commission renounced the rule of equal but separate accommodations on railroads in states having jim-crow laws which the Supreme Court had laid down, in dismissing the complaint of Representative Arthur W. Mitchell, of Illinois, against the Chicago, Rock Island and Pacific Railway Company for its failure to furnish him Pullman accommodations between Memphis and Hot Springs.

The commission held that the present coach properly takes care of colored second-class passengers and that the drawing rooms in the sleeper—available to them when not occupied by white persons—meet legal requirements and that the railroad need not furnish dining car and observation parlor car accommodations in view of the limited demands on the part of colored persons for first-class service.

FIVE COMMISSIONERS DISSENT

Five of the 11 commissioners dissented. Three of them differed with the conclusion of the majority that such accommodations constituted equality of treatment. One took the view that Pullman space should be reserved for the sole occupany of colored persons. A fifth agreed with the conclusion of the majority but thought unpleasantness might be avoided by ticket agents advising colored travelers in non-jim crow law states to a point in a jim crow law state to secure through Pullman accommodations. The dissenters were Commissioners Eastman, Lee, Miller, Aichison and Porter.

The complaint of Mr. Mitchell was based on an experience he had on April 21, 1937, while travelling from Chicago to Hot Springs over the lines of the Illinois Central Railroad Company. He purchased a first-class ticket in Chicago but was able to get Pullman accommodations only to Memphis.

THREATENED WTH ARREST

Just before the train reached Memphis, he had a porter to transfer his baggage to the Hot Springs sleeper which was on the same train. After leaving Memphis and crossing the Mississippi River into Arkansas, the train conductor took up his ticket but refused to accept payment for the Pullman seat from Memphis to Hot Springs. Under threat of arrest Mr. Mitchell was forced to ride in a jim crow car.

"It is not for us to enforce the state law," the commission stated in its opinion. "We understand that to be a matter for state authorities. But in deciding the case on the facts presented we must recognize that under the state laws defendants must segregate colored passengers."

"OLD COMBINATION AFFAIR"

In his dissenting opinion, Commissioner William E. Lee pointed out that the rule was laid down in the early days of the commission that it was the duty of the railroads to furnish for all passengers paying the same fare cars in all respects equal and provided with the same comforts, accommodations, and protection for travelers.

He pointed out that Mr. Mitchell was traveling on a first-class ticket and offered to pay for a seat in the Pullman car, in which there was plenty of space and that the car into which he was forced to move was an "old combination affair," not air conditioned, was divided into three parts and except in the women's section was without wash basins, soap, towels, or running water.

Quoting from the testimony of the Pullman conductor who refused to sell Mr. Mitchell a seat in the Pullman car that the Rock Island has never had first-class accommodations for colored passengers and that he would not have sold Mr. Mitchell any space in the Pullman car because he was colored, Commissioner Lee questioned the statement in the report of the examiner for the commission that Pullman accommodations ordinarily "are available to colored passengers upon demand."

"If the action complained of does not constitute undue or unreasonable prejudice or disadvantage under the act, as those terms are understood, then I am at a loss to understand their meaning," he declared.

Should the district court deny the petition, thereby upholding the Interstate Commerce Commission ruling, Atty. Westbrooks can take the Mitchell case, on direct appeal, to the United States Supreme court.

Basis of the discrimination case is an incident which happened April, 1937, when Representative Mitchell, sole colored member of the United States law-making body, was traveling over the Rock Island, en route from Chicago to Hot Springs, Ark.

Mitchell Continues His Jim Crow Case

CHICAGO.—(ANP)—Suiting the action to the word, Congressman Arthur W. Mitchell of Chicago's First district, this week made another, well planned move in his Jim Crow suit against the Rock Island railroad, decisions in which have twice been adverse to the Illinois solon.

The congressman filed notice with the Interstate Commerce Commission that he will have his attorney, Richard E. Westbrooks of Chicago, file a petition for rehearing and re-argument of the recent report of the commission, which held that the Rock Island did not discriminate unjustly when Rep. Mitchell was compelled to accept second-class accommodations, although he had paid for a first class ticket.

The notice that this petition is being filed before the matter will be taken into the federal courts. Congressman Mitchell has instructed Attorney Westbrooks to fight this case, if necessary, to the United States supreme court.

Should the ICCC deny the application for a rehearing, next move will be to take the famous case before the U. S. District court at Chicago (home office of the Rock Island railroad) on a petition for rehearing of the suit. Adjudication in federal district court will be in the hands of three federal district judges, sitting en banc.

MITCHELL FILES FOR REHEARING OF R. R. SUIT

Congressman Arthur W. Mitchell this week filed notice with the Interstate Commerce Commission that he will have his attorney, Richard E. Westbrooks, file a petition for rehearing and re-argument of the report of the commission which recently held that the Rock Island Railroad did not discriminate unjustly when the congressman was forced to accept second class accomodations, although he had paid a first class fare.

The notice states that this petition is being filed before the matter will be taken into the Federal courts. Congressman Mitchell, who has instructed his attorney to fight this case to the United States Supreme court, if necessary, was forced to leave a Pullman sleeping car in Arkansas and ride in a jim-crow coach, inferior to the Pullman, while travelling from Chicago to Hot Springs on April 20, 1937.

JIM CROW CARS- 1938

Ridin' Jim Crow

This travelogue was written by Editor Roscoe Dunjee, and covers during the course of a (.. v v his experiences and impressions during the course of a railroad trip between Oklahoma City and Memphis.

Well, who and what in the world am I? I arrived at the depot just now, and the first thing the train conductor asked me was, "Are you going on the Doctors' Special"?

I asked him what sort of special he was talking about and he advised me that he had assumed I was one of the doctors attending the Southern Medical Association here in Oklahoma City. He asked for my ticket, and to make matters worse, thumbed me to the rear coach—down in the white section.

"I'm sure you have made a mistake," said I, demurring at the door of the coach, "I'm a Negro."

Well, there's one white man who turned all over. He turned several different colors. Jim Crow not alone embarrasses Negroes. Here was a veteran Rock Island conductor who does not know a Negro when he sees one.

I climbed on in the coach up on the front end and while I was laughing about the discomfiture of the railroad official when he discovered his mistake, and telling a fellow passenger about the amusing incident, in walked Etta Moten and that good-looking accompanist of hers.

Say, I hope Etta Moten will carry this girl around all the time. She's such an improvement on the male pianist Etta had last year. This girl sure decorates the landscape.

I was rather embarrassed to meet Etta because I told her I was coming out to Langston last night to her recital, but when the boys got jammed up in the office Tuesday afternoon I did not feel disposed to leave, and then, too, I had a lot of work to do before I left for Durham.

Etta breezed right in and sprung a fast one on me. "Say," she said, "Jim Crow is getting better."

I did not know what she was talking about until she pointed to the partition in the rear of us. You know for years Jim Crow cars have always had walls and doors completely separating the two races.

"Look at that partition," said Etta. "Cant' you see it's getting lower and lower. One of these days the white people are going to get ashamed and take the whole thing out. At least we can see physical evidences of Jim Crow going down."

Sure enougn, the partition was only head high. I told the girls what had happened to me, and we had a good laugh. "Yes," I said, "they are pulling down the partitions but they can't tell whether Negroes are coming or going in dear old U. S. A.

Well, we sure had a barrel of fun on this train. An old preacher down in front was practicing his sermon, words, gestures and all, and boy, did he give the congregation something. Etta gets off at Howe, where she catches the Kansas City Southern for Fort Smith. The conductor just said the train arrives at Howe at 10:15.

We have had a long talk about Claud and Holsey and the girls made me tell them some of my most exciting experiences since I have been in the newspaper game. I told them of the time when I reported the lynchings at Sherman, Texas, and Chickasha, Oklahoma.

The porter came by just now and we ordered some coffee and ham sandwiches, and when he came back he brought some real double-deckers. You see, I'm trying to do all I can to make up for not going to Langston last night.

It started raining at McAlester just now but it did not rain for more than a minute. I believe I'm going to catch cold in this old coach. The trouble with these old coaches is that the wind creeps through the windows and gives you such uneven temperatures. Every time I ride in the Jim Crow coach I catch cold. Your feet will be too hot and your body to cold, or vice versa. It's impossible to be comfortable riding Jim Crow.

Well, of all the shameful things I ever knew about Jim Crow, I made that observation just now. Do you know when I left Howe, Howe I helped the girls off the train. The white waiting room was lighted, but I did not find the Negro waiting room until I had gone all the way around the little old dinky building on the east side in the dark. I came back and tried to locate the station agent, but he was not in the ticket office and just at that time the conductor yelled "All Aboard." Do you know when I left How, Etta and her pianist were sitting on their luggage in front of the white waiting room, and that location out under the stars was a far better place than that dark, unlighted tramp nest labeled "Negro Waiting Room."

As the train slid out from the depot they waved, but they waved at a mad man.

Talk about the Jews in Germany and the atrocities they suffer, I think we Americans should wake up and see what we are doing to our Negro citizens. I told the conductor when he came in.

The conductor threw up his hands and said, "Don't blame me. It's the law and not we employees on the railroads causing all this trouble."

Little Rock! I got off the train there when we arrived a while ago, and when the train started off I climbed back on to discover that an awful odor pervaded the coach. I just could not understand where that smell was coming from, so I started an investigation during which time I pushed open the half door going into the white section of the coach. Will you believe me, there were three persons piled up on those first seats and all had their shoes off. One man and one woman. There was no mistaking where the odor was coming from as I stood in the door. Everybody was asleep in that coach but three pairs of feet were very much awake. Perhaps there were others. I did not take time to investigate, for a lowly Negro is not supposed to enter such sacred precincts.

When the conductor awoke me a while ago we were in the Mississippi bottoms. I could look way across toward Bluff City (Memphis) and see countless lights burning. It appears to me we are riding twenty feet in the air, but when I investigated a while ago I discovered that we were riding on a huge trestle. I presume it takes this elevation to get the trains above the high waters of the Mississippi. Yes, there's the Mississippi straggling along now. I can barely see it in the early morning light. We're crossing. I tried to see that paved road that runs out towards South Parkway, near Hattie Saunder's home, but I guess we're not in the right part of town. I dont' see it.

Now, listen here: I'm going to have trouble with this Jim Crow before I get back home. I climbed off that train just now and gave my luggage to a red cap, and will you believe me he led me right into the white waiting room and flopped me down, and did you know I flopped right up and bounced right out of that place?

There I was in Oklahoma City last afternoon grumbling because a white man had made a blunder regarding my ethnic strains, and now I arrive in Memphis to find I came unto my own and my own received me not. Something tells me I had better start riding in that Buick of mine.

Well. I finally made it to Beale street. Shades of Bob Church, but I have been taking some narrow chances. I'm out at my friend's home eating breakfast, and everything seems all okay, but really if I had one Memphis red cap I met this morning in my care and keeping, I'd take him back to Oklahoma and jam him in an insane ward at Taft.

Mitche ans Finish Fight on Rail Jim Crow

Parlor and Dining Cars Not Needed, Commission Rules

the Federal district court in Chicago and to the U.S. Supreme Court if necessary.

WASHINGTON

The Insterstate Commerce Commission renounced the rule of equal but separate accommodations on railroads in States having jim crow laws, which the Supreme Court had laid down, in dismissing the complaint of Representative Arthur W. Mitchell of Illinois, against the Chicago, Rock Island and Pacific for failure to furnish him Pullman accommodations between Memphis and Hot Springs.

The commission held that the present coach properly takes care of colored second-class passengers and that the drawing rooms in the sleeper — available to them when not occupied by white persons — meet legal requirements. The board also ruled that the railroads need not furnish dining and observation-parlor car accommodations in view of the limited demands on the part of colored persons for first-class service.

Arthur Mitchell

Five Dissent

Five of the eleven commissioners dissented. Three of them differed with the conclusion of the majority that such accommodations constituted equality of treatment.

One took the view that Pullman space should be reserved for the sole occupancy of colored persons.

A fifth agreed with the conclusion of the majority but thought unpleasantness might be avoided by ticket agents advising colored travelers in non-jim crow law States to a point in a jim crow law State to secure through Pullman accommodations.

The complaint of Mr. Mitchell was based on an experience he had on April 21,

1937, while traveling from Chicago to Hot Springs over the lines of the Illinois Central Railroad Company.

He purchased a first-class ticket in Chicago, but was able to get Pullman accommodations only to Memphis.

Just before the train reached Memphis, he had a porter to transfer his baggage to the Hot Springs sleeper, which was on the same train.

After leaving Memphis and crossing the Mississippi River into Arkansas, the train conductor took up his ticket but refused to accept payment for the Pullman seat.

Under threat of arrest, Mr. Mitchell was forced to ride in a jim crow car.

Not to Enforce Laws

"It is not for us to enforce the State law," the commission stated in its opinion.

"We understand that to be a matter for State authorities. But in deciding the case on the facts presented we must recognize that under the State laws defendants must segregate colored passengers.

"In these circumstances we find that the present colored-passenger coach and the Pullman drawing rooms meet the requirements of the act.

"There is comparatively little colored traffic and no indication that there is likely to be such demand for dining-car and observation-parlor car accommodations by colored passengers as to warrant the running of any extra cars or the construction of partitions, the discrimination and prejudice is plainly not unjust or undue."

Points to Precedent

In his dissenting opinion, Commissioner William E. Lee pointed out that the rule was laid down in the early days of the commission that it was the duty of the railroads to furnish for all passengers paying the same fare cars in all respects equal and provided with the same comforts, accommodations, and protection for travelers.

He cites three cases in which findings of discrimination were made because the railroads had furnished colored passengers inferior accommodations.

He pointed out that Mr. Mitchell was traveling on a first-class ticket and offered to pay for a seat in the Pullman car, in which there was plenty of space and that the car into which he was forced to move was as "old combination affair."

Commissioner Lee quoted from the testimony of the Pullman conductor who refused to sell Mr. Mitchell a seat in the Pullman car. The conductor said that the Rock Island has never had first-class accommodations for colored passengers and that he would not have sold Mr. Mitchell any space in the Pullman car because he was colored.

Mr. Lee questioned the statement in the report of the examiner for the commission that Pullman accommodations ordinarily "are available to colored passengers upon demand."

Calls It Prejudice

"If the action complained of does not constitute undue or unreasonable prejudice or disadvantage under the act, as those terms are understood, then I am at a loss to understand their meaning," he declared.

He added that "when the railroad refused complainant Pullman accommodations and required him to ride in the coach provided for colored passengers, it violated the act in failing to furnish him substantially similar accommodations to those furnished white people."

Commissioners Clyde B. Aitchison and Claude R. Porter joined in his dissenting opinion.

Commissioner Joseph B. Eastman took the view that Commissioner Lee in his dissenting opinion correctly stated the rule which railroads must follow to avoid unlawful discrimination.

"So far as Pullman accommodations are concerned," he said, "I am not satisfied that defendants were observing the rule then or that they are observing it now."

Sees Difficulties

He pointed out that the practical difficulty lies in the fact that the demand for Pullman accommodations on the part of colored passengers is very small.

"So long as this condition exists," he declared, "I am not prepared to say that it is necessary for a railroad to attempt the partition of observation or dining cars.

"I do believe that it is necessary to provide some Pullman space, small though it may be, which will be reserved for the occupancy of colored passengers and . . . . to provide means by which meals from the dining car may be served. . . ."

Commissioner Miller expressed accord with the conclusion of the majority and said he was convinced that if Mr. Mitchell had made Pullman reservations somewhat in advance of the date of travel he would have had no difficulty in obtaining suitable accommodations over the entire route.

Congressman Mitchell Turned Down By The Interstate Commerce Commission

By KELLY MILLER

The Interstate Commerce Commission by a split-decision has slammed the door of the Pullman Car in the face of the Negro race in the person of Arthur W. Mitchell the only Negro member of Congress. This, I believe, is the first instance in which a competent Federal Agency has undertaken to deny to the Negro equal accommodations and to justify this denial. The complaint of Congressman Mitchell before the Interstate Commerce Commission and the decision of this semi-judicial body present a new phase of Jim-crow legislature. The Negro has hitherto contended for identical Pullman acommodations without either distinction or discrimination. The Supreme Court has usually, under one pretext or another, denied this contention. But now comes Mr. Mitchell and contends for accommodations without discrimination but not necessarily without distinction.

The principle of equal but separate accommodations for the two races lies at the basis of separate cars and separate schools in every Southern State. The wisdom of Charles Sumner's dictum, that identity of rights is essential to equality of rights is fully borne out by experience with separate schools and Jim-crow cars.

The Interstate Commerce Commission maintains that the discrimination complained of by Congressman Mitchell, is justified on the ground that comparatively few colored passengers are likely to apply for Pullman accommodations between the points in question. Quantitative justice, sought to be established in this decision, sets up something new in the theory and practice of American jurisprudence. It subordinates human rights to material interest. In commenting upon the Oklahoma Jim-crow car case, then Justice now Supreme Justice Hughes remarked that the right of the individual Negro to equal Pullman accommodations was not dependent upon the number of Negroes making application for such facilities.

This decision if pushed to its logical conclusion would deprive the Negro of the right to travel in a day coach in regions where their paucity of numbers does not justify the expense of separate coaches. Thus the Negro under such circumstances would be deprived entirely of his right of travel on an interstate carrier.

The American people are now bubbling over with righteous indignation because of German's drastic action against her Jewish minority. But there is no difference in principle between German's depriving the Jew of his property because of race and America's denying Arthur W. Mitchell, its foremost Negro citizen, his property rights in the railroad ticket, which he has bought and paid for, solely because he is a Negro.

Fortunately the opinion of the Interstate Commerce Commission is not final and may be appealed to the Supreme Court of the United States. Every fair-minded American, white and colored, must be interested in the final outcome of this issue; for if the Negro is to be denied equal rights under the law, his case is not for different from that of the Jew in Germany whom Hitler denies any rights at all.

Interstate C.C. Prejudiced in Mitchell Case

First Test in Which U.S. Has Denied Legal Equality

By KELLY MILLER

WASHINGTON.

The Interstate Commerce Commission by a split-decision has slammed the door of the Pullman car in the face of the colored group in the person of Arthur W. Mitchell, the only colored member of Congress.

This, I believe, is the first instance in which a competent Federal agency has undertaken to deny to the colored people equal accommodations and to justify this denial.

The colored man has hitherto contended for identical Pullman accommodations without either distinction or discrimination.

The Supreme Court has usually, under one pretext or another, denied this contention. But now comes Mr. Mitchell and contends for accommodations without discrimination but not necessarily without distinction.

Few Passengers Apply

The commission maintains that the discrimination complained of by Congressman Mitchell is justified on the ground that comparatively few colored passengers are likely to apply for Pullman accommodations between the points in question.

This decision if pushed to its logical conclusion would deprive the colored people of the right to travel in a day-coach in regions where their paucity of numbers does not justify the expense of separate coaches.

In commenting upon the Oklahoma jim crow car case, Supreme Justice Hughes once remarked that the right of the individual colored person to equal Pullman accommodations was not dependent upon the number of colored folk making application for such facilities.

Not Last Word

Fortunately the opinion of the commission is not final and may be appealed to the Supreme Court. If the colored person is to be denied equal rights under the law, his case is not far different from that of the Jew in Germany whom Hitler denies any rights at all.

Jim Crow Cars - 1938

General

Congressman Mitchell and Quantitative Justice

By KELLY MILLER

THE Interstate Commerce Commission, by a split-decision, has slammed the door of the Pullman car in the face of the Negro race in the person of Arthur W. Mitchell the only Negro member of Congress. This, I believe, is the first instance in which a competent Federal agency has undertaken to deny to the Negro equal accommodations and to justify this denial.

The complaint of Congressman Mitchell before the Interstate Commerce Commission and the decision of this semijudicial body present a new phase of Jim-crow legislation. The Negro has hitherto contended for identical Pullman accommodations without either distinction or discrimination. The Supreme Court has usually, under one pretext or another, denied this contention. But now comes Mr Mitchell and contends for accommodations without discrimination but not necessarily without distinction.

The principle of equal but separate accommodations for the two races lies at the basis of separate cars and separate schools in every Southern state. The wisdom of Charles Sumner's dictum, that identity of rights is essential to equality of rights, is fully borne out by experience with separate schools and Jim-crow cars.

The Interstate Commerce Commission maintains that the discrimination complained of by Congressman Mitchell is justified on the ground that comparatively few colored passengers are likely to apply for Pullman accommodations between the points in question. Quantitative justice, sought to be established in this decision, sets up something new in the theory and practice of American jurisprudence.

It subordinates human rights to material interest. In commenting upon the Oklahoma Jimcrow car case, then Justice now Supreme Justice Hughes remarked that the right of the individual to equal Pullman accommodations was not dependent upon the number of Negroes making application for such facilities.

THE RIGHT TO TRAVEL

This decision if pushed to its logical conclusion would deprive the Negro of the right to travel in a day-coach in regions where their paucity of numbers does not justify the expense of separate coaches. Thus the Negro under such circumstances would be deprived entirely of his right of travel on an interstate carrier.

The American people are now bubbling over with righteous indignation because of Germany's drastic action against her Jewish minority. But there is no difference in principle between Germany's depriving the Jew of his property because of race, and America's denying Arthur W. Mitchell, its foremost Negro citizen, his property rights in the railroad ticket which he has bought and paid for, solely because he is a Negro.

Fortunately the opinion of the Interstate Commerce Commission is not final and may be appealed to the Supreme Court of the United States. Every fair-minded American, white and colored, must be interested in the final outcome of this issue; for if the Negro is to be denied equal rights under the law, his case is not far different from that of the Jew in Germany whom Hitler denies any rights at all.

A New Dred Scott Decision

THE nearest thing to the famous Dred Scott decision handed down by Chief Justice Taney, of the United States Supreme Court in 1857, is the recent ruling of the Interstate Commerce Commission in the complaint filed by Congressman Arthur W. Mitchell.

Justice Taney held in substance that neither the United States Congress nor any State legislature could extend the protection of the law to a free Negro in any State or territory in which slavery was not legal.

The Interstate Commerce Commission, in the Mitchell case, has pronounced the amazing doctrine that under existing State laws requiring separation of the races in railroad coaches a railroad is under no compulsion to provide equal accommodations for equal fare.

The ICC has taken it upon itself to decide when discrimination is unjust or undue. Holding that the ejection of Congressman Mitchell from a Pullman car in the State of Arkansas was not "unjust or undue prejudice and discrimination," the Commission decreed that "only differences in the treatment that are unjust or undue are unlawful and are within the power of this Commission to condemn, remove and prevent."

The Commission reached its decision by a 6-5 vote. Mr. Mitchell will carry the case to the United States Supreme Court.

SHARE IN DECISION

Plans for railroad reorganization will in all probability be submitted to the next Congress which opens in January. Practically all the railroads of the country are operating under heavy financial strain and last summer they sought relief by a proposed fifteen per cent cut in wages. This proposition was later withdrawn under fire from not only labor but also high public officials, and President Roosevelt, acting in the interest of both carriers and labor appointed a committee of representatives of the carriers and of the railway unions to formulate a railroad reorganization program which by now should be nearing shape for submittal to Congress in accordance with the committee's instructions.

In the formulation of the new or amended policies for the railways, the Brotherhood of Sleeping Car Porters seeks a representative voice. And for good reasons. According to A. Philip Randolph, international president of the Brotherhood, colored workers on railroads have been "ignored or politely overlooked when any far-reaching industrial policy was enacted through legislation which affected the status of the carriers and the relationship between carriers and their employees. For instance, the Railway Act, amended in 1934, definitely established the right of railroad workers to collective bargaining through representation elections, but sleeping car porters and dining car employees were excluded from the law. Their inclusion in the law was only brought about by the fight of the Brotherhood's representative who appeared at the hearings of the Senate and House, Inter-State and Foreign Commerce Committees. In seeking participation in the drafting of the new legislative policy for the railroad industry, our object is to render it impossible for the sleeping car, chair car, train porters or any other colored railway workers to be excluded from any benefits that may accrue as a result of the reorganization program."

Praise of President Randolph's alert, intelligent and courageous leadership is not new in this column. The slighting of colored labor in the railway industry is typical of treatment dispensed to the Race in general; and hence much time, money and energy are consumed in undoing wrongs which were made possible through the failure or inability to have a friend at court. By all the rules of American fair play the Brotherhood should be adequately represeented in the discussion and determination of any new governmental regulations for the railroad industry, on which colored workers in large numbers are dependent for their livelihood. And the sharing in the making of a decision on this great national issue — the railroad problem — will mark an important and desirable advance in inter-racial respect and good-will.

THE SUPREME COURT VS. THE INTERSTATE COMMERCE COMMISSION

By Kelly Miller

The recent decision of the Supreme Court requires a state to provide equal education facilities for both races or admit Negro students to the higher levels of state educational institutions, hitherto maintained exclusively for white students. It is based squarely upon the provision of the Fourteenth Amendment which forbids a state to deny any citizen the equal protection of the law. In it's wider implication, it accords the Negro equal ffacilities in hospitals, playgrounds, parks, and in every type of public institutions where the policy of the state insists upon separation of the races. This decision like a double edged sword cuts both ways. It upholds distinction but not discrimination on account of race. It violates the dictum of Charles Sumner that equality of rights cannot exist without identity of rights. On the other hand it sustains the dictum of President Harding, "both races should have the same rights but they need not enjoy these in each others company." The higher ground of Sumner yields to the lower plain of Harding.

When the Honorable Archibald H. Grimke and myself declined the offer of Senator Joseph B Foraker to introduce a Bill for separate but equal Pullman accommodations for the races, we were actuated by principle rather than practical expediency. We declined the possible in quest of unattainable.

It may well be that insistance upon abstract principle is no longer feasible in face of the decision of the Supreme Court and the evident cast of public opinion.

Congressman Mitchell has declared his intention of pushing his case to final ajudication of the Supreme Court. That the opinion of the Interstate Commerce Commission will be overruled now seems inevitable. For the judgement of the highest tribunal cuts from under this opinion the Doctrine of race discrimination and its justification on account of the expense involved.

It is particular intneresting to note that this decision was delivered through the mouth piece of Chief Justice Hughes and was concurred in by Justice Black of Alabama, and that the two die-hard Anti New Deal Judges McRenolds and Butler, contributed the minority opinion.

By this decision the Negro race has won a practical though not idealistic victory.

The Supreme Court And The ICC

By KELLY MILLER

THE RECENT decision of the Supreme Court requires a state to provide equal education facilities for both races or admit Negro students to all levels of state educational institutions," hitherto maintained exclusively for white students. It is based squarely upon the provision of the Fourteenth Amendment which forbids a state to deny any citizen the equal protection of the law.

In its wider implication, it accords the Negro equal facilities in hospitals, playgrounds, parks, and in every type of public institutions where the policy of the state insists upon separation of the races. This decision, like a double-edged sword, cuts both ways. It upholds distinction but not discrimination on account of race. It violates the dictum of Charles Sumner that equal ty of rights cannot exist witho identity of rights. On the other hand it sustains the dictum of President Harding, "both races should have the same rights but they need not enjoy these in each others company." The higher ground of Sumner yields to the lower plane of Harding.

When the Honorable Archibald H. Grimke and myself declined the offer of Senator Joseph B. Foraker to introduce a Bill for separate but equal Pullman accommodations for the races, we were actuated by principle rather than practical expediency. We declined the possible in quest of the unattainable.

ABSTRACT PRINCIPLE

It may well be that insistence upon abstract principle is no longer feasible in face of the decision of the Supreme Court and the evident cast of public opinion.

Congressman Mitchell has declared his intention of pushing his case to final adjudication of the Supreme Court. That the opinion of the Interstate Commerce Commission will be overruled now seems inevitable. For the judgment of the highest tribunal cuts from under this opinion the doctrine of race discrimination and its justification on account of the expense involved.

It is particularly interesting to note that this decision was delivered through the mouthpiece of Chief Justice Hughes and was concurred in by Justice Black of Alabama, and that the two die-hard Anti-New Deal Judges, McReynolds and Butler, contributed the minority opinion. By this decision the Negro race has won a practical though not idealistic victory.

Jim Crow Cars – 1938

Georgia
6

Macon, Ga., News
August 31, 1938

Bus to West Macon

Handling of bus and street car traffi always presents the difficulties of copin with peak loads at going-to-work time an at going-home time. These peak load pe riods are sources of annoyance to passen gers and transportation companies alike.

When certain bus lines run overcrowde early in the morning, then go all day witl a handful of passengers on each trip, and in late afternoon start overcrowding again it is a hard thing for transportation offi cials to justify expense of running an aug mented schedule during the rush hours. But as long as overcrowding exists—even on a single daily trip—it damages good will of the passengers and represents a condi tion deserving special effort at correction.

The News has received a letter from a regular passenger of the West Macon bus line. He reports that 100 passengers of the line have signed a petition for "sufficient buses during the heavy part of the day, and for a 15-minute schedule on the line."

This newspaper doesn't want to get into any bus line fuss, for if you ever saw irate bus or street car passengers testifying in a transportation hearing, you know they can be as earnest and insistent folk as political crusaders. But if there is anything that can be done to make the situation more satisfactory to the patrons and to the transportation company, which loses precious good will whenever there is repeated overcrowding, then that ought to be done.

This newspaper's West Macon friend complains:

"Frequently the bus is filled by Negroes from the Negro section at the end of line (Troy Raines' Store), necessitating the whites, ladies included, to stand all the way to town. This happened this morning: there were 34 passengers on the bus when it reached Duncan avenue—Negroes all the way to the front on one side, two seats left on the other. Six more were picked up before reaching Broadway or Oglethorpe."

The bus seating capacity, the letter-writer continues, is little more than half the number of passengers who rode down-town on that particular bus.

It may be that an unusual problem exists on the West Macon line because this line transports a large group of laborers and domestic servants. But the type of passengers is not so important as is the fact of overcrowding itself. It might be helpful for passengers who ride the line regularly to take a daily count of loadings over a period of several weeks to determine whether crowding is frequent enough to warrant requests to augment the service. But if overcrowding is only occasional, and seems customary just because the unpleasant trips are more easily remembered than the pleasant ones, most passengers would agree that there is no need of insisting on more seating capacity.

Illinois.

Jim Crow Cars—1938

Bus Company Sued On Jim Crow Charge

Defender

Mrs. Elder B. Winters, of 4539 Champlain avenue, this week instituted a damage suit through her attorney, Sidney A. Jones, against the Santa Fe bus company. The bill charges assault and discrimination.

Allegations on which the suit is based grew out of the action of a Santa Fe bus driver in forcibly ejecting Mrs. Winters and her two children from a seat midway the vehicle to one in the rear which the driver told her was for the use of Race passengers.

JIM CROW CARS- 1938

INDIANA

Wealthy Chicago Matron Arrested Falsely; Sues Indianapolis For $50,000

Union Station Co-Defendant In Action Brought By Well-Dressed Woman Charged With "Vagrancy"

CHICAGO, Ill. —(ANP)— Still under a physician's care last week from the nervous shock sustained when she was arrested in Indianapolis recently, Mrs. Nobles Boyd of Chicago, wealthy daughter of the late Dr. M. C. B. Mason of national fame and widow of the late Duke Boyd, postal clerk and prominent churchman, announced she has filed suit for $50,000 against the Union Station and city of Indianapolis, charging false arrest and imprisonment.

It was while returning from Cincinnati, where she had spent Thanksgiving with friends, that Mrs. Boyd stopped in Indianapolis. While waiting three hours between trains at the Union station, she telephoned friends and went into the main waiting room to eat lunch.

APPROACHED BY POLICE

At approximately the time when pastors and leaders were publicly protesting the mistreatment of Jews in Germany by Nazi officials, a white station policeman accompanied by a white girl about 13 years old went to Mrs. Boyd and asked her to go into the women's waiting room for a talk. She went, with the officer assisting her carry her luggage.

As soon as she got there, the policeman said to the attendant, also white, "take her in there," as he pointed to a closed room.

Mrs. Boyd was well dressed, wearing a rich looking fur coat valued at $500. Having been abroad several times, her luggage was heavily laden with European labels. What was apparently to him the unusual spectacle of a colored woman being so attired and equipped was believed responsible for his attitude, because he angrily told the Chicagoan "you don't own these things."

TOLD TO "SHUT UP"

He had the matron search both Mrs. Boyd and her luggage and then demanded "Where are you going with all those fine clothes?" Coming across her passport still saved from a recent European trip, he wanted to know just who she was.

The traveller explained she was a property owner in Chicago and asked permission to call her friends. The policemen ordered her to "shut up," Mrs. Boyd said, and then told her he would "take her where she could telephone somebody." Handling her roughly, he pushed her to the door of the station, huddled her into a patrol wagon and took her to the city jail where she was locked up. There she gave the name of an influential friend who in three hours brought about her release.

VAGRANCY CHARGE

Forced to stay over until the next day, Mrs. Boyd appeared in court Monday morning only to have the case dismissed as soon as it was called.

The charge filed against her was that of "vagrancy."

Although officials were apologetic, Mrs. Boyd secured the services of Atty. Andrew Jacobs of Indianapolis who immediately filed suit against the Union station and the city for $50,000. She announced she intends to fight the case through.

Daughter Of Late Dr. Mason Sues Station For $50.000

A suit for $50,000 has been filed against the Union Station of Indianapolis, Ind., and a city detective there by Mrs. Bessie Mason Boyd, 5335 Maryland avenue, who charges false arrest and imprisonment.

MRS. BESSIE MASON BOYD

Mrs. Boyd, enroute to Chicago from Cincinnati, stopped off in Indianapolis to telephone some friends from the station. While in the booth she was seized by a detective and taken to the ladies room where her baggage was opened and searched by the matron. She was manhandled by the detective when she sought an explanation for his actions.

Slurring Remarks

Asked to identify herself, Mrs. Boyd produced a passport containing her picture, which the detective declared it a fraud and demanded other proof. Her baggage, labeled with tags from foreign travel, created further suspicion which brought slurring remarks from the officer. A patrol was summoned and she was held in custody for several hours until friends heard of her plight and secured her release.

Tuesday morning she appeared for trial and was discharged, the detective admitting that he had made a mistake in the arrest.

Mrs. Boyd is the daughter of the late Dr. M. C. B. Mason of international fame and widow of the late Duke Boyd, postoffice clerk and prominent clubman. She is a teacher of French. Mrs. Boyd has traveled abroad extensively. She is now under the care of a physician and confined to bed due to nervous shock from the humiliating episode. Atty. Andrew Jacobs of Indianapolis is representing her in the litigation.

Jim Crow Cars – 1938

Kentucky

Kentucky Legislator Demands Air-Conditioned Coaches

LOUISVILLE, Ky., Oct. 20 — (ANP)—Charles W. Anderson, Jr., Negro State legislator, has dug up an old law of 1892 to force railroads in this State to improve the service to Negroes.

Anderson attacked the Chesapeake and Ohio Railroad for not providing air-conditioned coaches for Negroes between Louisville and Ashland.

Although white have them, the law states that failure to provide the same quality of accommodations for all passengers will subject the railroad to a fine of from $500 to $1,000 for each offense.

The railroad company called Anderson into conference and asked him for an extension until May to provide the conveniences sought.

Kentucky Lawyer Attacks Railroad Discrimination

Threatens Criminal Prosecution Under Old Law Enacted In 1892.

LOUISVILLE, Oct. 27—(By Hazel Browne Williams for ANP)—An old law enacted by the Kentucky legislature in 1892 was dug up recently by Charles W. Anderson, Jr., Louisville attorney, lone Negro member of the Kentucky legislature and chairman of the N.A.A.C.P. Legal Redress committee, in the fight of that organization to obtain improved and equal accommodations for the Negro traveling public in Kentucky.

Mr. Anderson made his attack against the Chesapeake and Ohio railroad for the failure of the company to provide air conditioned coaches on its trains running between Louisville and Ashland, for colored passengers though providing such service for whites, and thus compelling the Negro traveling public to ride in coaches uncomfortable by reason of severe summer heat, making it necessary to raise their windows and suffer further offensive and disagreeable traveling conditions such as smoke, dust and cinders.

Under a law enacted in 1892, Mr. Anderson found that it was a misdemeanor under sections 796 and 797 of Carroll's Kentucky statutes for any railroad to fail, refuse or neglect to provide or offer the same type of quality, convenience or accommodations in cars or coaches for all passengers, and that the penalty for failing, refusing or neglecting to comply with the law, the railroad company would be guilty of a misdemeanor and upon indictment and conviction thereof would be fined not less than $500 nor more than $1,000 for each offense.

Immediately after Mr. Anderson notified the officers of the company and their attorneys of his intention to test out the law in the courts they requested a personal interview with him before his taking such drastic steps and after a lengthy conference agreed to with-hold legal action or persecution until warm weather or nine months, which would allow the company time to make every effort to complete air-conditioning of all equipment on its trains by next May. Mr. Anderson had obtained his witnesses in case of trial of more than 3 persons, among them students of Kentucky State college, residents of Frankfort, Lexington and Louisville, who had been fare-paying passengers on the trains of the Chesapeake and Ohio during the summer and beginning with September.

Jim Crow Cars - 1938

Missouri.

St. Louis Woman Wins Suit Against I. C. R. R. For Conductor's Insults

ST. LOUIS, Mo.—(Special)—Mrs. Matilda H. Brooks was awarded $1,000 actual and $1,500 punitive damages against the Illinois Central railroad company by a jury in Judge Eugene Padberg's Court here last week.

The judgment was given Mrs. Brooks for a white Dixie conductor's insult while returning from Milan, Tennessee on one of the Illinois Central's crack trains coming out of the deep south, and took place last June 3, 1936. Mrs. Brooks testified the conductor grabbed her arm, saying that she could use the entire seat and used insulting language while cuffing her.

The judgment commanded considerable attention as so many Negro women and men are subjected to this sort of thing by uncouth and ignorant white conductors running on trains coming into the northern sections from the south. It just so happened that Mrs. Brooks knew what to do and acted. The courts of this country will not tolerate citizens to be mistreated on public carriers by brutes and savages who do not have enough sense to respect human beings. Already Congressman Arthur W. Mitchell has a suit pending in the courts against two railroads for being ejected from a Pullman car, while riding in the south.

Mrs. Brooks was riding in the Jim Crow car at the time she was cursed and knocked around by the Dixie conductor. As a rule there is not much space for Negroes in a Jim Crow car and the conductor and porter take up about half of that. The conductor uses enough space for four persons for his office and the porter uses about the same space for his mops, pillows, flags, lights brooms and other junk.

The Illinois Central railroad receives a large Negro patronage because its lines are extended in an area thickly populated by Negroes covering four ro five states.

Jim Crow Cars—1938 North Carolina

Durham, N. C., Morning Herald
May 11, 1938

JIM CROW CASE IS BEFORE HIGH COURT

Ellen Harris Appeals $10 Fine Imposed In Local Recorder's Court

An appeal to the supreme court was perfected yesterday in the case in which Ellen Harris, 29-year-old Fourth street Negro, was fined $10 last March for failing to obey the state law which provides for the segregation of the races on public conveyances.

The woman was arrested upon a complaint made by J. B. Harris, driver of a Durham Public Service bus, who said the woman refused to vacate her seat and make room for a white passenger. R. P. Jones, 823 Second street.

The appeal to the supreme court is being based largely upon the contention of the woman's attorneys that the public service company failed to comply with the state law which requires conveyances to designate specifically the space to be occupied by the white and colored races.

trial, Judge W. H. Murdock in Durham Recorders court found her guilty, imposed on her the cost of the action.

Not satisfied, Miss Harris appealed to the Superior court, being represented by able Attorneys C. J. Gates and Edward Avant. She was convicted in Superior court, fined $10 and costs by Judge Clawson Williams. But the intrepid woman, determined to fight the case to the last, had her attorneys serve notice of an appeal to the state supreme court. There she found vindication when the state's highest tribunal found in her favor and reversed the verdict of both lower courts

Woman Wins Suit Against Bus Co. For Jim Crowism

Plaindealer

RALEIGH, N. C., July 15—ANP—Segregation and Jim Crowism in North Carolina were dealt a body blow recently when the State Supreme court handed down a decision reversing the verdict of lower courts in the action against Miss Ellen Harris of Durham. She had been arrested and charged with violation of the State Jim Crow law which provides that Negroes riding on public buses fill up from the rear, while white passengers must fill up from the front. 7-15-38

Miss Harris was haled into court by J. B. Harris, white driver for the Durham Public Service company, who charged her with refusing to give up her seat—next to the last one in the rear of the bus—to a white passenger who insisted that she let him sit down. At the first

Oklahoma.

Jim Crow Cars- 1938

JIM CROW PROBLEM COMES TO LIFE

A belated repercussion from Oklahoma's pioneer Jim Crow law affecting railroads was brought to the attention of the Oklahoma Corporation Commission by the Santa Fe railroad within the week.

Under the strictly enforced Jim Crow law, railroads are required to provide separate accommodations for whites and blacks. It has been held that this distinction must extend to Pullman car facilities. The Santa Fe, operating its west line to the coast, which passes through Cimarron County in the Panhandle section, complains that it has been required to put on a special Pullman coach for the accommodation of one or more Negroes for a few hours ride through the state. They ask for a special ruling to provide for a temporary partition or curtain in regular Pullman coaches to solve this racial problem.—Harlow's Weekly.

Jim Crow Cars—1938

South Carolina

JIM CROW BUSES

At last it has come. A learned member of the General Assembly has introduced a bill to require buses to have separate places for white and colored passengers. The author says that the railroad jim crow law was one of the greatest piece of legislation ever enacted. Maybe so, but the real intelligent mind must have a difficult time in understanding just why the compelling of railroads to carry two coaches when one would more than accommodate those traveling. The proposed jim crow law like all such always has the "separate but equal" phrase. It's put in simply to square with the federal law. Of course ,it is not intended to mean a thing and in practise, it does not mean a thing. The Negroes dollar is taken all right but he does not get as much as the other fellow for his dollar. Morals don't count in things like that. Were it not for Negroes peanut politicians would be at a loss for ideas.

Palmetto Leader
3-26-38
Columbia S.C.

Jim Crow Cars - 1938

Tennessee

Logan Sues Pullman Co. for $15,000

WASHINGTON

Rayford W. Logan, a professor of Atlanta University, filed suit in the District Supreme Court Monday, against the Pullman Company for $15,000 damages, alleging refusal to permit him to ride in a sleeping car from Memphis to Atlanta, although he had a ticket entitling him to a lower berth.

Professor Logan asserts that he presented himself to the Pullman conductor in the Memphis station to have his ticket validated. The conductor looked at him, he says, and told him there was no space in the car.

The instructor states that he replied that he was not asking for space as he already had his berth. The conductor replied, according to the petition, that he would not be allowed to use the space called for by the ticket because he was colored and the train was going through territory where colored persons were not permitted to ride in Pullmans.

Rides Day Coach

Prof. Logan alleges that under his contract with Atlanta University it was necessary for him to be at his post on the next day and besides he had an appointment with the director of the Atlanta Public Federal Forum, of which he was the coordinator of the colored unit. He says he had to ride in a day coach sitting up during the entire trip.

As a result, he avers he became ill and had to have medical attention and to purchase medicines so as to be restored to health. He also claims he suffered great physical pain and mental anguish and was greatly humiliated. In addition, he spent $3 for the Pullman ticket he was not allowed to use.

Knoxville Tenn. Journal
December 8, 1938

Ejected From Train, Negro Seeks Damages

A Second Circuit Court jury will determine today whether Rosa B. Haynes is entitled to damages because she was ejected from a Southern railway train at Clinton on the night of Oct. 10, 1937.

Rosa, a Negro passenger, said she was en route to Rome, Ga., to visit her grandparents, who were ill, and that the porter told her she was on the wrong train. She claimed she previously had ridden the same train to Rome.

Proof in the case was finished late yesterday. Judge L. H. Carlock heard the case by interchange with Judge Hamilton S. Burnett.

Jim Crow Cars - 1938

Texas.

MARJORIE STEWART JOINER FORCED TO RIDE IN THE BAGGAGE CAR WITH CORPSE

National Superviser of Walker Colleges Tells of Terrifying Experience Suffered While Returning From Boule.

CHICAGO, Jan. 27—(ANP)—Marjorie Stewart Joiner president of the National Beauty Culturists and National Superviser of the Madam C. J. Walker Colleges, revealed here Friday on her return to the city. how she was forced to ride in a baggage car from Houston to Dallas with a corpse as a companion.

After attending the Zeta Boule in Houston during the holidays, Miss Joiner left December 30 for Tulsa, buying a ticket on the "Texas Rocket," a new streamliner on the Burlington and Rock Island Lines.

The conductor, picking up tickets, sent her up front. As the train had no jim-crow coach, she was forced to ride in the baggage coach. In order to make an important business engagement the next day, she rode alone with the corpse until its removal at Corsicana.

When she reached Dallas she transferred to a regular jim-crow train.

Speaking of the incident, the nationally-prominent woman said: "It wouldn't have been so bad had it been in the daytime . . . but it was at night."

NEGROES REFUSED BUS SEAT

HOUSTON.—R. W. Keys, 1911 Elgin street made a complaint to the Houston Electric company Thursday evening, May 19, regarding rude treatment given him by the driver of a Chenevert bus.

Keys, in discussing the incident with an Informer reporter, said that when he boarded the inbound bus he paid his fare and started to the rear end, the section provided for colored people. As he neared the section a white man and little boy occupied the seat in the rear. Keys stated that "When the white man saw me coming back to the rear of the bus he spoke to the little boy and they moved over to one side and left ample room for me to sit down. As I started to sit down the operator told me that I would either have to stand up or get off the bus. I told him that I was behind the screen and he said he didn't give a d——, for me to either stand up or get off."

"At this time a colored woman who gave me her name as Mrs. Eddie Foster, 1614 Calhoun street, got on the bus. She asked me to move and let her sit down. As she started to sit down the operator again roughly said, 'If you niggers don't stand up I will come back there and put you off. If you don't like that you can get off.' At this point I went to him and asked him to refund my money and to give me his name. He told me that he was not going to give no "nigger" his name and that he would not give me my money back. We both got off the car at Calhoun and Chenevert."

Keys stated that he reported the incident to the Traction Company and they stated that they would look into the matter.

RAILROAD DISCRIMINATION CASE SETTLED OUT OF COURT.

Mme. Marjorie Stewart Joyner, vice president of the Mme. C.J. Walker Co., and director of the Walker College of Beauty Culture, here, dropped civil action against the Burlington Rock Island Railroad Company following an out-of-court settlement effected Friday. Aug. 5.

Mrs. Joyner instituted action against the railroad company after she had been forced to ride in the baggage car of the "Texas Rocket" with a corpse between Houston,Texas and Tulsa, Okla., December 30, 1937.

In her action against the railroad company, Mrs. Joyner was represented by Atty. William H. Harrison. The amount of the settlement was not made public.

Mrs. Joyner, who is president of the National Beauty Culturists League, was returning from the national boule of the Zeta Phi Beta Sorority which she attended as a delegate from Alpha Alpha Chapter in Chicago, when the incident occurred.

After boarding the "Rocket" at Houston. Mrs. Joyner charged that she was escorted to what she thought would be a separate compartment. Instead, she alleged she was shunted off into a makeshift in the corner of a baggage car. Because the train was already in motion, she claims, it was not possible for her to get off.

Protests to the train conductor and other employees of the company not only failed to bring any correction of the situation, but resulted in verbal abuse, she stated.

At one of the stations, she claimed, a corpse was placed in the baggage car, which was otherwise empty. Under these conditions, she said she was forced to continue the trip to Tulsa, where she left the train.

The first offer made by the railroad company to settle the case out of court shortly after the suit was filed, was rejected by Mrs. Joyner and her attorney. The second offer, understood to have been substantially more, was accepted.

Chicago Defender
August 20, 1938
Chicago, Illinois

Jim Crow Cars - 1938

Virginia.

Pickens Protests Condition Of Segregated Waiting Rooms

Writes Letter to Interstate Commerce Commission at Washington, D. C.—'Can't Even Read Because of Dim Lights,' He Says.

WAYNESBORO, Va., Nov. 3—(ANP)—In a letter sent last week to officials of several railroad companies and to the Interstate Commerce Commission at Washington, William Pickens, director of branches of the N. A. A. C. P., protested the deplorable conditions he found in Southern waiting rooms allotted to Negroes in railroad stations. The letter reads in part:

"This station (the one in Waynesboro) is one sample of the neglect and almost studied discomfort which Negro travelers receive from your railway employees and local supervision. You know that members of all races pay the same fares, but there is hardly light enough to see to write in the Negro waiting room and it would ruin the eyes to try to read. Only one small dirty bulb. This is Monday early A. M., between 4 and 5:30 and I have just alighted from the C. and O., and am waiting for the N. and W. to Roanoke. If I could only read, perhaps I'd not be writing you. This room is very dirty and the seats are low-back and uncomfortable."

"By contrast: the "white" waiting room has four large bright lights burning and there is only one person in it—and he is sprawled out on your bench asleep, and perhaps is not a passenger (as he has no bags) but only a loafer The seats are high-backed and comfortable-looking."

Mr. Pickens continues: "I have just read on your station walls here: 'A Blueprint for Building Better Times: Give the railroads the square deal to which they are entitled,' etc. Why not turn that injunction around."

Protests Condition of Waiting Rooms

WAYNESBORO, Va.—(ANP)—In a letter sent recently to officials of several railroad companies and to the Interstate Commerce Commission at Washington, William Pickens, director of branches of the NAACP, protested the deplorable conditions he found in southern waiting rooms allotted to Negroes in railroad stations. The letter reads in part:

"This station (the one in Waynesboro) is one sample of the neglect and almost studied discomfort which Negro travelers receive from your railway employees and local supervision. You know that members of all races pay the same fares, but there is hardly light enough to see to write in the Negro waiting room and it would ruin the eyes to try to read. Only one small dirty bulb.

"This is Monday, early a. m., between 4 and 5:30, and I have just alighted from the C. and O., and am waiting for the N: and W. to Roanoke. If I could only read, perhaps, I'd not be writing you. This room is very dirty, and the seats are low-back and uncomfortable.

"By contrast: the "white" waiting room has four large bright lights burning and there is only person in it—and he is sprawled out on your bench sleep, and perhaps is not a passenger (as he has no bags) but only a loafer. The seats are high-backed and comfortable-looking."